

**Development Management**

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Building Safety and Permits
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757-253-6685**Zoning Enforcement**
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September 30, 2014

Mr. Gary Werner, President
Franciscus Homes Inc.
616 Village Drive, Suite G
Virginia Beach, Virginia 23454

RE: Z-0003-2014/MP-0003-2014, The Promenade at John Tyler

Dear Mr. Werner:

Thank you for the submission of the revised proffers. Given the deadlines associated with the November Planning Commission meeting please resubmit all required documentation by October 10, 2014. Staff has reviewed the documents and has the following comments.

Planning:

1. a) Staff recommends amending proffer #8 to include a timing mechanism for the submission of design guidelines. The guidelines should include such items as architectural features, color scheme, roof lines, building materials, streetscape improvements and plantings. Please consider expanding the design guidelines to include descriptive language for the residential, commercial and clubhouse buildings.
b) Please consider amending the following language in proffer #8: "All building plans and building elevations shall be generally consistent with the Guidelines. Prior to ~~the issuance of a building permit for each building on the Property~~ *final approval of a site plan for development of the Property* architectural plans for such building..."
2. Please consider proffering a timing mechanism for the enhanced buffer along Route 199 consistent with the narrative and cross-section illustrative exhibit. Please include a time requirement for installation of these features. Staff recommends requiring installation of the plantings prior to the County being obligated to grant a certificate of occupancy for the first residential unit.
3. Please provide labels on the master plan for the community facilities to include the public square, pocket park and central park. Please consider outlining these features within the proffers and include a timing mechanism. Staff recommends requiring installation of the facilities prior to the County being obligated to grant certificates of occupancy for more than 25% of the residential units.
4. In order for staff to determine whether the parks and recreation facilities comply with the adopted guidelines, please indicate the dimensions of the proposed pool. Per the guidelines, pools should be a minimum length of 25 meters, or an alternative design appropriate for the neighborhood population as approved by the Director of Planning or his designee. If a hard surface sport court or pool in dimension specified is not proffered, please consider proffering cash in lieu as a means of meeting this requirement.
5. Please revisit the language and calculations found in proffer #2. Staff was under the impression that not all dwelling units would be committed at affordable/workforce housing prices. If all proposed dwelling units

including the potential (live-above units, are to be offered at affordable/workforce housing prices, no changes need to be made to this proffer.

6. Please amend the following statement in proffer #3: "If in the Phase ~~III~~-II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place..."
7. Please consider proffering language regarding the establishment of an owner's association and restrictive covenants, a severability clause and private streets to include language requiring a funding mechanism for perpetual maintenance of said streets.
8. Please correct the acreage to 24.54 acres within the proffers and other supplemental documentation consistent with the Master Plan exhibit. Also, please adjust the total dwelling units from 207 to 204 consistent with the maximum density permitted, 8.3 dwelling units per acre.
9. The Master Plan exhibit shows reduced buffers on the northern and western boundaries. Per Sec. 24-523(c) please file a request in writing with the Planning Director. Staff has attached this portion of the Ordinance outlining requirements for your convenience. This should be submitted well in advance of the public hearing.
10. Please make the necessary alterations to the Master Plan exhibit to show the hammerhead turnaround as required by VDOT and the limits of the proposed right-of-way. Also, please label the roads within the development as private or add a note indicating that all roads interior to the project will be private.
11. Please alter the Master Plan exhibit to show an extension of the sidewalks on both sides of the road up to the start of the center median and hammerhead turnaround at the entrance of the development.
12. Please remove all the parcel data spreadsheet/table on the Master Plan exhibit and submit it as a standalone exhibit. This data will be incorporated into the staff report.
13. Please enumerate on the Master Plan exhibit what each designation represents i.e. designations "B, C, J and M".

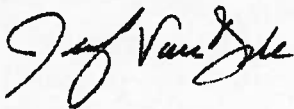
Fire: No comments on the proffers provided.

Parks and Recreation: See comment above.

JCSA: Per previous comment, please revise Appendix C – Pump Station Data.

Feel free to contact me should you have any questions or concerns at 253-6882.

Sincerely,



Jennifer VanDyke
Planner

Attachment:
Sec. 24-523

Cc: Vernon M. Geddy, III

(h) *Traffic circulation.* Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. All streets shall be constructed and designed in accordance with section 24-524.

(i) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with article II, division 4 of this chapter and Chapter 23 of the county code, the Chesapeake Bay Preservation Ordinance.

(j) *Dwelling units,* regardless of structure type, shall be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities consistent with the intent of article VI, division 1, Residential Cluster Development.

(k) *Pedestrian accommodation.* Pedestrian accommodations shall be provided in accordance with Section 24-35.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-205, 5-8-01; Ord. No. 31A-276, 9-11-12; Ord. No. 31A-291, 8-13-13)

Sec. 24-523. Setback and buffer requirements.

(a) *Location of structures.* Structures shall be set back 50 feet or more from any external existing or planned public road right-of-way, or any internal arterial road right-of-way, which is 50 feet or greater in width. Where the external existing or planned public road right-of-way or the internal arterial road right-of-way is less than 50 feet in width, structures shall be set back 75 feet or more from the centerline of the external existing or planned or internal arterial public road.

(b) *Required buffer from mixed use districts.* For commercial, industrial, office, residential and mixed uses a buffer of 50 feet shall be maintained from the perimeter of a mixed use district. The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) *Setback and/or buffer modifications; criteria for determination.* Reduction of the width of the setbacks and/or buffers specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated mixed use by the Comprehensive Plan upon demonstration that the proposed setback and/or buffer, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback and/or buffer requirement of this section and the intent of section 24-86 (Landscaping and tree preservation requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, a request for a setback and/or buffer modification must meet one or more of the following criteria:

- (1) The proposed setback and/or buffer is for the purpose of integrating proposed mixed use development with adjacent development;
- (2) The proposed setback and/or buffer substantially preserves, enhances, integrates and complements existing trees and topography;

- (3) The proposed setback and/or buffer is due to unusual size, topography, shape or location of the property, existing structures or other unusual conditions, excluding the proprietary interests of the developer.

Reduction of the width of the setbacks and/or buffers may also be approved for a mixed use zoning district that is not designated mixed use by the Comprehensive Plan upon finding that the proposed setback and/or buffer meets one or more of the criteria listed above and both of the following additional criteria:

- (1) Properties adjacent to the properties being considered for a reduction in setback and/or buffer must be compatible;
- (2) The proposed setback and/or buffer reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

(d) *Requests for modifications.* Requests for modifications pursuant to subsection (c) above shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall approve, deny, or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) *Appeals.* In the event the planning director disapproves the items specified in section 24-523 (d) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.

(f) *No minimum lot size or yard requirements.* Except for required setbacks and/or buffer specified in (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District, MU, other than as specified in approved final plans.

(g) *Uses prohibited.* Setbacks and/or buffers shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback and/or buffer.

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-226, 5-22-07; Ord. No. 31A-276, 9-11-12)

Sec. 24-524. Street improvements.

(a) All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

(b) Private streets may be permitted upon the approval of the board of supervisors in accordance with the provisions of section 24-62.

(Ord. No. 31A-205, 5-8-01; Ord. No. 31A-255, 11-22-11; Ord. No. 31A-276, 9-11-12)

Secs. 24-525 - 24-534. Reserved.



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September 3, 2004

Ms. Sarah Weisiger, Planner
James City County Department of Planning
P.O. Box 8784
Williamsburg, Virginia 23187-8784



**RE: Request for Modification, Lightfoot Mixed Use Development
AES Project No. 9353**

Dear Mr. Sowers:

AES, on behalf of our client, Noland Properties, Inc. is requesting a modification of the setbacks required by James City County Ordinance Sec. 24-527(b) in accordance with Sec. 24-527(d) for the proposed Mixed Use site at Richmond Road (Route 60) between Smith Memorial Baptist Church and Wythe Candy. The site is being rezoned to Mixed Use and is currently zoned B-1.

Sec. 24-527 (b) states "For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development." We request that this perimeter setback be reduced in several locations as shown on the attached "Waiver Exhibit". The reductions to the 50-foot setback are as follows:

AREA A:

A reduction of the perimeter setback to twenty feet (20') is requested along the side of portions of the Zaharopoulos property tax map (24-3)(1-37A). This area will be subject to extensive landscaping as well as architectural treatment to the building facades that face this church property. No roadways will abut the twenty foot (20') setback.

AREA B:

A reduction in the perimeter setback to twenty feet (20') is requested along the side of portions of the Smith Memorial Baptist Church property tax map (24-3)(1-36). This area will be subject to extensive landscaping as well as architectural treatment to the buildings that face this property. No roadways will abut the twenty foot (20') setback.

AREA C:

A reduction in the perimeter setback to twenty feet (20') is requested along the future boundary of the 1.4± acres of the approved Special Use Permit for the Chesapeake Bank. Along the future boundary with Chesapeake bank we desire visibility for the proposed commercial uses. Paragraph 24-527 (c) (1) suggests that such modifications could be approved "for the purposes of integrating the proposed mixed use development with adjacent development." The bank and the

office uses are compatible and normally would not require buffers and screening. A wide heavily landscaped yard will be detrimental to the proposed commercial uses and the required setback and screening are requested to be reduced to 20-feet on each side for a total combined yard of 40-feet. These setbacks are consistent with the current B-1 zoning. As a result, a fifteen foot (15') landscape and twenty foot (20') building setback will be provided. The County's current Comprehensive Plan designates these properties as Mixed Use, so modified setbacks within an overall designated use area is consistent with the plan.

AREA D:

This property has "unusual conditions" with existing gravel parking and an ingress/egress easement on its western boundary. This easement and pavement prohibits landscaping along the boundary and reduces the developable portion of the property when combined with setbacks and yards. A full 50-foot setback is provided in the area that includes the ingress/egress easement and a reduction to 25-feet is requested along the remaining boundary up to the residential portion of the mixed use property. Along the easement portion, the full 50-feet is provided of which 25-feet are outside the easement and the gravel pavement. In this 25-foot area an effective screening will be achieved through intense plantings. In the remaining setback area reduced to a 25-foot setback there is sufficient area to provide an effective screening through intense plantings.

The County's 2003 Comprehensive Plan designates the adjacent Wythe property as Mixed Use, so modified setbacks within an overall designated use area are consistent. Fifty foot (50') buffers are still proposed where residential development is proposed adjacent to land not so designated.


INTERNAL AREAS:

Within Area 1A and 1C, warehouse uses are proposed adjacent to each other. In order to better utilize the space, yet still provide the opportunity for some landscape separation, a ten foot (10') landscape yard is proposed between the two uses. This landscape yard could be all on one property or split evenly with fencing permitted either on the landscape setback or in the center of the 10-foot yard.

Thank you for your consideration of this Request for Modification.

Sincerely,

AES Consulting Engineers



Thomas W. Derrickson C.L.A.
Landscape Architect/Land Planner

cc: Mr. Vernon Geddy, III